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Attorneys for All Claimants

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA, Plaintiff, -v- VARIOUS GOLD, SILVER AND COINS; UP TO \$550,542.07 IN FUNDS, et al, Defendants.	Civil Action No. 3:11-cv-01179-SI CLAIMANTS' MOTION FOR RETURN OF SEIZED PROPERTY OR, IN THE ALTERNATIVE, FOR A HEARING ON THE GOVERNMENT'S AS YET UNPROVEN CLAIM Request for Oral Argument And Evidentiary Hearing
CLAIMANTS JAMES G. COLE, an individual, JAMES G. COLE, INC., a corporation, and SONIC LIFE.COM, LLC, Formerly known as SONIC HEALTH SYSTEMS, LLC, a limited liability company. Claimants.	

Pursuant to Local Rule 7-1 the undersigned counsel for Claimants certify that the parties conferred on this matter and counsel for Plaintiff United States of America, AUSA Katie Lorenz and AUSA Alan Garten object to return of any seized property to plaintiffs. As a result of the parties inability to resolve or narrow the issues, Claimants make this motion.

MOTION

Claimants James G. Cole, an individual, James G. Cole, Inc. and Sonic Life.Com, LLC, (referred to as "TurboSonic") respectfully submit move for the following alternative relief:

(1) Return of \$30,000.00 each month for operating expenses necessary to sustain claimants' businesses until this forfeiture case is heard on the merits; or, in the alternative,

(2) at the very least, an evidentiary hearing at which the government and claimants offer evidence on the merits of the government's forfeiture case, because as of this time the government has not made an adequate showing that it will prevail on the merits, and as shown below, claimants' businesses, Maxam Nutraceuticals ("Maxam") and TurboSonic are on the brink of extinction.

Claimants request oral argument and rely on the facts and authorities cited in the accompanying Memorandum of Law and Declaration of James G. Cole filed simultaneously with this motion.

DATED this 6th day of November, 2012.

Respectfully submitted,

/s/ John J.E. Markham, II
John J.E. Markham, II
Admitted Pro Hac Vice (MA BBO 638579)
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Claimants' Motion For Return of Seized Property or, In the Alternative, For a Hearing on the Government's As Yet Unproven Claim

United States v. Various Gold, Silver and Coins, et al., in rem

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